

**EUSTACE, PREZIOSO & YAPCHANYK**  
**MEMORANDUM ENDORSED ATTORNEYS AT LAW**

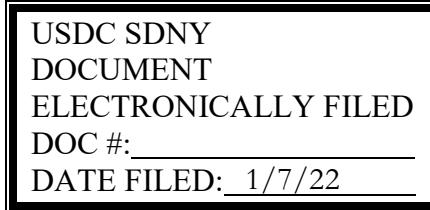
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January 6, 2022

**Via ECF**

Hon. Gregory H. Woods  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Langer v. China State Construction Engineering Corp. LTD, et al.  
United States District Court, Southern District of New York  
Civil Action Case No. 1:21-cv-11043

Dear Honorable Judge Woods:

We represent the defendants in the above-captioned personal injury action, China State Construction Engineering Corp., LTD., Hilton Worldwide Holdings, Inc., Hilton Hotel & Resorts, Inc., and Park Hotel & Resorts Inc. (formerly known as "Hilton Hotels Corp."). Defendants recently removed this action to the United States District Court for the Southern District of New York.

The defendants respectfully request an extension of time to submit a Joint Letter and Proposed Case Management Plan because of the defendants' intentions to promptly re-file a motion to dismiss the plaintiffs' Verified Complaint in its entirety, for lack of personal jurisdiction over all four named defendants. The plaintiffs have not consented to this request.

On December 28, 2021, this Honorable Court entered an Order directing the parties to submit a Joint Letter and Proposed Case Management Plan by January 7, 2022, in preparation for the Initial Pretrial Conference, currently scheduled for **January 14, 2022, at 3:00 p.m.**

Hon. Gregory H. Woods

January 6, 2022

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On this date, defendants filed via ECF a pre-motion submission requesting a pre-motion conference regarding the re-filing of the defendants' motion to dismiss the plaintiffs' Verified Complaint in its entirety for lack of personal jurisdiction over all named defendants, which was pending in state court prior to the removal of this action.

It is the defendants' position that they have promptly and consistently asserted meritorious jurisdictional defenses that need to be determined by this Honorable Court and which should indeed render moot the discovery schedule to be set forth in the Proposed Case Management Plan that is currently due on January 7, 2022. Defendants respectfully assert that a Case Management Plan that directs the parties to complete discovery at this Court's consistently efficient pace would prejudice defendants rights to a determination on the merits of its motion to dismiss, which was pending in state court at the time of removal.

For these reasons, the defendants respectfully request that this Honorable Court grant the parties an extension of time to submit the previously-ordered Joint Letter and Proposed Case Management Plan until the defendants' current application for a dismissal on personal jurisdiction grounds has been resolved on the merits.

The defendants remain flexible as to the timing of any conferences to discuss this application or the defendants' proposed motion to dismiss. However, we could be available on **Friday, January 14, 2022 at 3:00 p.m.** if convenient for the Court to discuss these matters further. This was the previously-ordered date and time for the Initial Pretrial Conference.

We look forward to the Court's determination on these pending requests, and remain available to discuss further at the Court's convenience. Thank you for your consideration.

Respectfully submitted,  
EUSTACE, PREZIOSO & YAPCHANYK



Robert M. Mazzei

RMM:rmm

cc: **Via E-Mail**

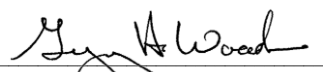
Kafko Schnitzer, LLP ([kafkoschnitzerstaff@gmail.com](mailto:kafkoschnitzerstaff@gmail.com))

Application granted. The initial pretrial conference is adjourned sine die. The Court will hold a conference on Friday, January 14, 2022 at 3:00 p.m. to address the defendants' anticipated motion to dismiss. The parties are directed to the Court's Emergency Rules in Light of COVID-19, which are available on the Court's website, for the dial-in number and other relevant instructions. The parties are specifically directed to comply with Rule 2(C) of the Court's Emergency Rules.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 9.

SO ORDERED.

Dated: January 7, 2022  
New York, New York

  
GREGORY H. WOODS  
United States District Judge